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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,715	10/16/2000	John J. Rofrano	SOM920000011US1	2993

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EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/688,715

Applicant(s)

ROFRANO, JOHN J.

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner is receipt of applicant's response to Office Action mailed 8/13/2003 which was received by the office 11/13/2003. Acknowledgement is made to applicant's amendment to claims 1,4,10,14,19,23,27,32 and 36. The examiner has carefully considered the applicant's argument but did not find them persuasive, therefore the previous rejection modified due to the amendment follows:

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,14 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added feature of "said ranking independent of any previous answers provided by the customer is not enabled in the specification.

This new matter must be removed in the next Office Action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4-14, 17-27, and 30-39 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rofrano in view of IBM Technical Disclosure.**

In regards to claim 1, Rofrano discloses a system for an adaptive sales interview search technique for an electronic catalog, the system comprising:

- a customer interface (col 1, lines 28-37);
- a host system coupled to said customer interface through a network; wherein said host system provides in said electronic catalog products contained in a database (abstract), provides in said electronic catalog questions relating to said products to be presented to a customer using said electronic catalog (FIG 2), supplies in said electronic catalog likely answers of the customer linked to constraints relative to said products contained in said database (FIG 2), selects said electronic catalog questions in order of ranked importance (FIG 1)
- said ranked importance independent of any previous answers provided by said customer (Col 4, lines 50-65, Question "will you be using this camera in doors mostly" is independent of the answer given to the previous ranked (first question) see table 1)

, presents a highest ranked question (FIG 1), receives an answer to said highest ranked question (FIG 2), applies said constraints based on said answer to said highest ranked question and limits product choices based on said answer to said highest ranked question (FIG 2); and  
a database coupled to said host system (abstract).

Rofrano teaches ranking in a hierarchical manner, the questions and answers presented to a customer, and is sufficient to cover the claimed features as presented, however, in the interest of compact prosecution the applicant may argue that the method of Rofrano does not provide a separate listing in numerical order which according to the specification makes for easier manipulation of tree like structures. IBM Technical Disclosure teaches a simple encoding method for yielding a unique representation of data objects found in a hierarchical (tree like) structure. It would have been obvious to a person of ordinary skill in the art to include in Rofrano the data structure methods as taught by IBM Technical Disclosure, because this representation will assure fast and efficient processing of data.

In regards to claim 4, Rofrano teaches said host system determining a next highest ranked question based on said answer to said highest ranked question (FIG 1); said host system presenting said next highest ranked question (FIG 2); said host system receiving an answer to said next highest ranked question (FIG 2); wherein said host system applies said constraints based on said answer to said highest ranked question and said next highest ranked question (FIG 2); and

wherein said host system limits said product choices based on answers to said highest ranked question and said next highest ranked question (FIG 2).

In regards to claim 4, Rofrano teaches wherein said host system determining includes said host system searching for said next highest ranked question containing at least one relevant answer (FIG 1).

In regards to claim 4, Rofrano teaches wherein said host system searching includes said host system presenting said next highest ranked question if said next highest ranked question contains at least two relevant answers (FIG 2).

In regards to claim 7, Rofrano teaches wherein said host system receiving said answer comprises said host system receiving at least one answer from a plurality of predetermined answers (FIG 2).

In regards to claim 8, Rofrano teaches wherein each of said plurality of predetermined answers is relevant (col 3line 36 – col 4,n line 67).

In regards to claim 9, Rofrano teaches wherein said host system searching includes: said host system determining whether said next highest ranked question contains one relevant answer (FIG 2); and

said host system applying said constraints based on said one relevant answer without presenting said next highest ranked question (FIG 2).

In regards to claim 10, Rofrano teaches said host system determining a new next highest ranked question based on said answer to said next highest ranked question;

said host system iteratively repeating said host system presenting (FIG 2), said host system receiving, said host system applies and said host system determining for said new next highest ranked question until said new next highest ranked question is not relevant (FIG 2); and

wherein said host system limits said product choices based on answers to said highest ranked question, said next highest ranked question and said new next highest ranked questions (FIG 2).

In regards to claim 11, Rofrano teaches wherein said host system determining includes said host system searching for said new next highest ranked question containing at least one relevant answer (FIG 2).

In regards to claim 12, Rofrano teaches wherein said host system searching includes said host system presenting said new next highest ranked question if said new next highest ranked question contains at least two relevant answers (FIG 1).

In regards to claim 13, Rofrano teaches wherein said host system searching includes: said host system determining whether said new next highest ranked question contains one relevant answer (FIG 2); and said host system applying said constraints based on said one relevant answer without presenting said new next highest ranked question (FIG 2).

In regards to claim 14, Rofrano discloses a method for an adaptive sales interview search technique for an electronic catalog including products contained in a database, questions relating to the products to be presented to a customer using the electronic catalog and likely answers

of the customer linked to constraints relative to the products, the method comprising:  
selectively ranking said electronic catalog questions in order of  
importance (FIG 1);

said ranked importance independent of any previous answers provided by said  
customer (Col 4, lines 50-65, Question "will you be using this camera in doors mostly" is  
independent of the answer given to the previous ranked (first question) see table 1)

presenting a highest ranked question ((FIG 1);

receiving an answer to said highest ranked question (FIG 2);

applying said constraints based on said answer to said highest ranked

question (FIG 2); and limiting product choices based on said answer to said highest  
ranked question (FIG 2). Rofrano teaches ranking the questions and answers presented  
to a customer in a hierarchical manner, and is sufficient to cover the claimed features as  
presented, however, in the interest of compact prosecution the applicant may argue that  
the method of Rofrano does not provide a separate listing in numerical order which  
according to the specification makes for easier manipulation of tree like structures. IBM  
Technical Disclosure teaches a simple encoding method for yielding a unique  
representation of data objects found in a hierarchical (tree like) structure. It would have  
been obvious to a person of ordinary skill in the art to include in Rofrano the data  
structure methods as taught by IBM Technical Disclosure, because this representation  
will assure fast and efficient processing of data.



In regards to claim 17, Rofrano teaches wherein said receiving said answer comprises receiving at least one answer from a plurality of predetermined answers (FIG 1).

In regards to claim 18, Rofrano teaches wherein each of said plurality of predetermined answers is relevant (FIG 1).

In regards to claim 19, Rofrano teaches determining a next highest ranked question based on said answer to said highest ranked question (FIG 2);  
presenting said next highest ranked question (FIG 1);  
receiving an answer to said next highest ranked question (FIG 2);  
wherein said applying said constraints is based on said answer to said highest ranked question and said next highest ranked question (FIG 2); and  
wherein said limiting product choices is based on answers to said highest ranked question and said next highest ranked question (FIG 2).

In regards to claim 20, Rofrano teaches wherein said determining includes searching for said next highest ranked question containing at least one relevant answer (FIG 1).

In regards to claim 21, Rofrano teaches wherein said searching includes presenting said next highest ranked question if said next highest ranked question contains at least two relevant answers (FIG 1).

In regards to claim 22, Rofrano teaches wherein said searching includes:  
determining whether said next highest ranked question contains one relevant answer (FIG 1); and

applying said constraints based on said one relevant answer without presenting said next highest ranked question (FIG 2).

In regards to claim 23, Rofrano teaches determining a new next highest ranked question based on said answer to said next highest ranked question FIG 1); iteratively repeating said presenting, said receiving, said applying and said determining for said new next highest ranked question until said new next highest ranked question is not relevant (FIG 2); and wherein said limiting product choices is based on answers to said highest ranked question, said next highest ranked question and said new next highest ranked questions (FIG 1).

In regards to claim 24, Rofrano teaches wherein said determining includes searching for said new next highest ranked question containing at least one relevant answer (FIG 1).

In regards to claim 25, Rofrano teaches wherein said searching includes presenting said new next highest ranked question if said new next highest ranked question contains at least two relevant answers (FIG 1).

In regards to claim 26, Rofrano teaches wherein said searching includes: determining whether said new next highest ranked question contains one relevant answer; and applying said constraints based on said one relevant answer without presenting said new next highest ranked question (FIG 2).

In regards to claim 27, Rofrano discloses a storage medium encoded with machine-readable computer program code for an adaptive sales interview search technique for an electronic catalog including products contained in a database,

questions relating to the products to be presented to a customer using the electronic catalog and likely answers of the customer linked to constraints relative to the products, said storage medium including instructions for causing a processor to implement a method comprising: selectively ranking said electronic catalog questions in order of importance; presenting a highest ranked question; said ranked importance independent of any previous answers provided by said customer (Col 4, lines 50-65, Question "will you be using this camera in doors mostly" is independent of the answer given to the previous ranked (first question) see table 1) receiving an answer to said highest ranked question; applying said constraints based on said answer to said highest ranked question; and limiting product choices based on said answer to said highest ranked question (See response to claims 1 and 14). Rofrano teaches ranking the questions and answers presented to a customer in a hierarchical manner, and is sufficient to cover the claimed features as presented, however, in the interest of compact prosecution the applicant may argue that the method of Rofrano does not provide a separate listing in numerical order which according to the specification makes for easier manipulation of tree like structures. IBM Technical Disclosure teaches a simple encoding method for yielding a unique representation of data objects found in a hierarchical (tree like) structure. It would have been obvious to a person of ordinary skill in the art to include in Rofrano the data structure methods as taught by IBM Technical Disclosure, because this representation will assure fast and efficient processing of data.

In regards to claim 30, Rofrano teaches wherein said receiving said answer comprises receiving at least one answer from a plurality of predetermined answers FIG 1).

In regards to claim 31, Rofrano teaches wherein each of said plurality of predetermined answers is relevant (FIG 1).

In regards to claim 32, Rofrano teaches including instructions for causing said processor to implement: determining a next highest ranked question based on said answer to said highest ranked question (FIG 2); presenting said next highest ranked question (FIG 2); receiving an answer to said next highest ranked question (FIG 2); wherein said applying said constraints is based on said answer to said highest ranked question and said next highest ranked question (FIG 2 and 1); and wherein said limiting product choices is based on answers to said highest ranked question and said next highest ranked question (FIG 2).

In regards to claim 33, Rofrano teaches wherein said determining includes instructions for causing said processor to implement searching for said next highest ranked question containing at least one relevant answer (FIG 2).

In regards to claim 34, Rofrano teaches wherein said searching includes instructions for causing said processor to implement presenting said next highest ranked question if said next highest ranked question contains at least two relevant answers (FIG 1).

In regards to claim 35, Rofrano teaches wherein said searching includes instructions for causing said processor to implement:

determining whether said next highest ranked question contains one relevant answer (FIG 1); and applying said constraints based on said one relevant answer without presenting said next highest ranked question (FIG 2).

In regards to claim 36, Rofrano teaches including instructions for causing said processor to implement: determining a new next highest ranked question based on said answer to said next highest ranked question (FIG 2); iteratively repeating said presenting, said receiving, said applying and said determining for said new next highest ranked question until said new next highest ranked question is not relevant (FIG 2); and wherein said limiting product choices is based on answers to said highest ranked question, said next highest ranked question and said new next highest ranked questions (FIG 2).

In regards to claim 37, Rofrano teaches wherein said determining includes instructions for causing said processor to implement searching for said new next highest ranked question containing at least one relevant answer (FIG 1).

In regards to claim 38, Rofrano teaches wherein said searching includes instructions for causing said processor to implement presenting said new next highest ranked question if said new next highest ranked question contains at least two relevant answers (FIG 1).

In regards to claim 39, Rofrano teaches wherein said searching includes instructions for causing said processor to implement:

determining whether said new next highest ranked question contains one relevant answer (FIG 1); and applying said constraints based on said one relevant answer without presenting said new next highest ranked question (FIG 2).

**Claims 2,3,15,16,28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rofrano in view of IBM Technical Disclosure and further in view of Official Notice.**

In regards to claims 2,3,15,16, 28 and 29, it is old and well known in the art to provide information on a Graphical User Interface and also presenting information using an audio device. It would be obvious to a person of ordinary skill in the art to include in Rofrano the GUI device along with an audio device, because this would allow for enhanced presentation of the information and provide a more useful user interface for presenting pertinent data.

### ***Response to Arguments***

Applicant's arguments filed 11/13/2003 have been fully considered but they are not persuasive.

Applicant argues the Rofrano does not teach "said ranking independent of any previous answers provided by the customer. The examiner disagrees and points to col 4 lines 50 through 65 where the second question is not dependant on the answer to the first.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vincent Millin** can be reached on **(703) 308-1065**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***


**Alexandria, Va. 22313-1450**


or faxed to:

**(703) 872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-7206** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

  
Mark Fadok  
Patent Examiner

  
Jeffrey A. Smith  
Primary Examiner